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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,132	05/24/2000	Rainer H Wischinski	SAA-39	5531

7590 09/13/2002

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EXAMINER
PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/578,132	WISCHINSKI, RAINER H	
	Examiner	Art Unit	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi U.S. Publication 2002/0029086 in view of Babu U.S. Patent 6,122,639.

As for claim 1, Ogushi shows a system for providing technical support for remote automation or control devices, comprising: a device identifier, for determining components of pre-determined automation or control devices indicated in a device database by periodically querying the devices to have each device indicate its component hardware, software, and firmware, the device identifier for providing the device database with component identifications for the pre-determined devices (e.g. page 2 paragraph 27 of Ogushi); Ogushi does not expressly show a system for providing technical support for remote automation or control devices comprising a device configuration manager, responsive to the component identifications in the device database, and further responsive to available device components in a database of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components. However, Babu shows a system for providing remote automation or control devices comprising a Collection Engine for gathering information from many different network devices, responsive to the component identifications in the device database, and further responsive to available device

components in a database of available device components, for comparing the changes in a device information and for providing an offer to upgrade installed device components (e.g. col. 13 particularly lines 14-28 of Babu). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ogushi with Babu because it would provide to the invention a device configuration manager that gathers information about a device information and configuration, which responsive to the component identifications in the device database, and further responsive to available device components in a database of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components.

3. As for claim 2, Ogushi shows a system for providing technical support for remote automation or control devices, comprising a system diagnostics manager, responsive to the component identifications in the device database, and further responsive to diagnostics information in a database of end user system diagnostics, for providing device status queries, and for updating the database of end user system diagnostics based on responses to the device status queries (e.g. fig. 3 of Ogushi).

4. As for claim 3, Ogushi shows a system for providing technical support for remote automation or control devices wherein the components of pre-determined automation or control devices are programmable logic controllers (e.g. page 2 paragraph 31 and 32 of Ogushi).

5. As for claim 4, Ogushi does not expressly show a system for providing technical support for remote automation or control devices wherein the device identifier communicates with the components of pre-determined automation or control devices via a wireless access protocol. However, Babu shows a system for providing remote automation or control devices wherein the

device identifier communicates with the components of pre-determined automation or control devices via a wireless access protocol (e.g. col. 22 lines 6-20 of Babu). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ogushi with Babu because it would provide to the invention an additional communication method via wireless access protocol.

6. As for claim 5, Ogushi shows a system for providing technical support for remote automation or control devices comprising a general technical information database, for providing general technical information about products organized by topic, and further wherein the general technical information made about a topic, thereby providing feedback on the usability of products (e.g. page 3 paragraph 48-49 and page 4 paragraph 54 of Ogushi). Here the limitation "general technical information database" is broadly interpreted to mean "maintenance information database".

7. As for claim 6, Ogushi does not specifically show a system for providing technical support for remote automation or control devices wherein the record of requests for information made about a topic includes an identification of the requester. However, Ogushi discloses a requester access the information about a topic through the Internet (e.g. page 3 paragraph 48), therefore, it is known in the art that an Internet audit log file could be extract for monitoring purposes. It would have been obvious for one of ordinary skill in the art at the time the invention was made to track the number of hits and identify a requester with an Internet audit log to further gain useful feedback information such as which devices are difficult to use and who might have the most difficulty with them.

8. As for claim 7, Ogushi shows a system for providing technical support for remote automation or control devices wherein the device identifier queries the devices via the Internet (e.g. page 2 paragraph 25 of Ogushi).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sims U.S. Patent 5,434,775 discloses a system to locate a plurality of devices within a network link.

Sepe U.S. Publication 2001/0047213 discloses a real-time remote monitoring and controlling of a device through the Internet.

Hayafune U.S. Patent 6,041,183 discloses a remote maintenance system for computer peripherals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Thomas Black*, can be reached on *(703) 305-9707 or via e-mail addressed to [thomas.black@uspto.gov]*. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thomas.pham@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas K. Pham
September 3, 2002

THOMAS BLACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100